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EXTRAORDINARY

PART II—Section 2

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No. 43] NEW DELHI, FRIDAY, AUGUST 24, 1956

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 24th August, 1956:—

Bill No. XV of 1956

A Bill to amend the Hindu Marriage Act, 1955

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Hindu Marriage (Amendment) Short title.
Act, 1956.

2. In clause (d) of sub-section (1) of section 10 of the Hindu Amendment
Marriage Act, 1955, after the word "has", the words "for a period 10.
of not less than one year" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

In clause (d) of sub-section (1) of section 10 of the Hindu Marriage Act, 1955, no specific period has been mentioned as to the duration of the disease to make it a ground for judicial separation. The Bill seeks to rectify this.

SEETA PARMANAND.

Bill No. XIV of 1956*A Bill to amend the Special Marriage Act, 1954*

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Special Marriage (Amendment) Act, 1956. Short title.

2. In section 1 of the Special Marriage Act, 1954 (hereinafter referred to as the principal Act), for the word 'Special', the word 'Civil' shall be substituted. Amendment of section 1.

3. Section 21 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:— Amendment of section 21.

“(2) Nothing in sub-section (1) shall apply in the matter of succession to the property of any person who and whose spouse are, at the time of their marriage under this Act, both Hindus within the meaning of section 2 of the Hindu Succession Act, 1956, and succession to the property of such persons shall be regulated by the provisions of the Hindu Succession Act, 1956.”

4. In the Second Schedule to the principal Act, for the word 'Special', the word 'Civil' shall be substituted. Amendment of the Second Schedule.

STATEMENT OF OBJECTS AND REASONS

Under the Special Marriage Act, 1954, succession to property of parties married under that Act is governed by the provisions of the Indian Succession Act, 1925. This is so even if both the parties to the marriage are Hindus. The Indian Succession Act, 1925, conferred better rights of succession on the widow and children of a deceased than were available under the then existing Hindu law. With the passage of the Hindu Succession Act, 1956, the position has changed. This latter Act confers still better rights and should, therefore, apply in cases where both the parties to a marriage under the Special Marriage Act are Hindus. The Bill seeks to make provision accordingly.

SEETA PARMANAND.

S. N. MUKERJEE,
Secretary.